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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,292	10/26/1999	RONALD LEGERSTEE	JJM-475	2971

7590

09/23/2003

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EXAMINER

FRECH, KARL D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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AK

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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10

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Commissioner for Patents

See attached Notice of Non-Responsive Amendment .

Karl D Frech  
Primary Examiner  
Art Unit: 2876

Art Unit: 2876

1. The response filed 10/23/02 has been entered as paper number 9. No amendment has been made.
2. The reply filed on 10/23/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has submitted color drawings and a related petition. However, the petition does not appear to be compliant with 37 CFR 1.84. The examiner has no problem with the content of the drawings, however, Applicant has not submitted:

- 1.) "Three sets of color drawings" as required by 37 CFR 1.84 (a)(2)(ii);
- 2.) "A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing" as required by 37 CFR 1.84 (a)(2)(iii); and
- 3.) "An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:  
*The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings(s) will be provided by the Office upon request and payment of the necessary fee*" as required by 37 CFR 1.84 (a)(2)(iv).

The previous office action (and this letter) state that "it **appears** that the petition does not meet the requirements of 37 CFR 1.84 (a)(2)(ii), (iii), &(iv)" because the examiner is not empowered to decide the petition. However, the examiner is unable to find, three sets of color drawings, the black and white copy or the amendment to the specification

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as clearly set forth in 37 CFR 1.84. The application will be forwarded to an appropriate official empowered to decide such a petition. Any delay is regretted.


3. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Note: claims 1-11 remain allowable for the reasons as previously set forth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Frech whose telephone number is (703) 305 3491. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703) 305 3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

  
Karl D Frech  
Primary Examiner  
Art Unit 2876

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